

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM MCKINNEY,
Plaintiff,
vs.
ROMEO ARANAS, *et al.*,
Defendants.

Case No. 2:12-cv-00401-KJD-GWF

ORDER

Motion to Strike (#46)

This matter comes before the Court on Defendants' Motion to Strike (#46), filed on January 13, 2014. On December 5, 2013, non-party Kenneth Patton filed an Application to Proceed in Forma Pauperis (#41) and a Declaration (#42) in support of a motion for temporary restraining order.

Courts may strike any redundant, immaterial, impertinent, or scandalous matter. See Fed. R. Civ. P. 12(f). “[T]he function of a 12(f) motion to strike is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial[.]” *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993). Under Federal Rule of Civil Procedure 24(b), the Court may permit a party to intervene in an action if the party has a claim or defense that shares a common question of law or fact with the action. Here, however, Mr. Patton has not sought leave to intervene in this case. Rather, he has somewhat inexplicably filed an application to proceed in forma pauperis and a declaration in support of a motion for temporary restraining order, although no such motion has been filed in this case. The Court therefore finds that Mr. Patton’s filings are rogue documents. Accordingly,

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IT IS HEREBY ORDERED that Defendants' Motion to Strike (#46) is granted.

IT IS FURTHER ORDERED that non-party Kenneth Patton's Application to Proceed in Forma Pauperis (#41) is **stricken**.

IT IS FURTHER ORDERED that non-party Kenneth Patton's Declaration in Support of Plaintiff's Motion for a Temporary Restraining Order (#42) is **stricken**.

DATED this 7th day of February, 2014.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge